

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

SENATE BILL

No. 176

**Introduced by Senator Galgiani
(Coauthors: Senators Cannella and Correa)**

February 6, 2013

An act to ~~add Sections 11346.46 and 11346.47 to~~ *amend Section 11346.45* of the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as amended, Galgiani. Administrative procedures.

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations. *Existing law specifically requires a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.*

~~This bill would, in order to increase public participation and improve the quality of regulations, require state agencies, boards, and commissions to submit a notice prior to any meeting date or report, provided the meeting or report is seeking public input, as described. The bill would additionally require state agencies, boards, and~~

~~commissions to submit specified notices to the Office of Administrative Law, for publication in the California Regulatory Notice Register.~~

This bill would expand that public discussion requirement to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, without regard to the complexity or number of proposals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 11346.45 of the Government Code is~~
2 ~~amended to read:~~

3 11346.45. (a) In order to increase public participation and
4 improve the quality of regulations, ~~state agencies a state agency~~
5 ~~proposing to adopt regulations shall,~~ regulations, prior to
6 publication of the notice required by Section 11346.5, ~~shall involve~~
7 ~~parties who that~~ parties that would be subject to the proposed regulations in
8 public discussions regarding those proposed regulations, ~~when the~~
9 ~~proposed regulations involve complex proposals or a large number~~
10 ~~of proposals that cannot easily be reviewed during the comment~~
11 ~~period regulations.~~

12 (b) This section does not apply to a state agency in any instance
13 where that state agency is required to implement federal law and
14 regulations for which there is little or no discretion on the part of
15 the state to vary.

16 (c) If the agency does not or cannot comply with the provisions
17 of subdivision (a), it shall state the reasons for noncompliance with
18 reasonable specificity in the rulemaking record.

19 (d) The provisions of this section shall not be subject to judicial
20 review or to the provisions of Section 11349.1.

21 SECTION 1. ~~Section 11346.46 is added to the Government~~
22 ~~Code, to read:~~

23 ~~11346.46. (a) In order to increase public participation in the~~
24 ~~regulation development process and improve the quality of~~
25 ~~regulations, state agencies, boards, and commissions shall submit~~
26 ~~a notice in the California Regulatory Notice Register. The notice~~
27 ~~shall appear in the California Regulatory Notice Register at least~~

1 15 days prior to any meeting date or report, provided the meeting
2 or report is seeking public input.

3 (b) ~~For purposes of this section, meetings and reports seeking~~
4 ~~public input include, but are not limited to, the following formal,~~
5 ~~official, or organized:~~

6 (1) ~~Informational hearings.~~

7 (2) ~~Workshops.~~

8 (3) ~~Scoping hearings.~~

9 (4) ~~Preliminary meetings.~~

10 (5) ~~Public and stakeholder outreach meetings.~~

11 SEC. 2. ~~Section 11346.47 is added to the Government Code,~~
12 ~~to read:~~

13 11346.47. ~~State agencies, boards, and commissions shall submit~~
14 ~~a notice to the Office of Administrative Law for publication in the~~
15 ~~California Regulatory Notice Register, upon issuance or publication~~
16 ~~of the following:~~

17 (a) ~~Any notice required by either subdivision (c) of Section~~
18 ~~11346.8, commonly known as 15-day comment period notice, or~~
19 ~~subdivision (b) of Section 11347.1.~~

20 (b) ~~Any Internet Web site link to informational reports prepared~~
21 ~~for public review that have been posted on the agency, board, or~~
22 ~~commission Internet Web site in connection with proposed~~
23 ~~regulations.~~